

Kennedy, Ronald**U.S. Serial No. 09/474,418**

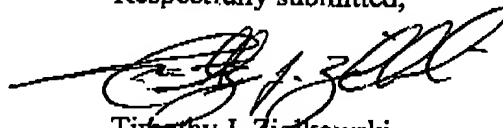
Applicant respectfully believes the rejection is improper. Applicant refers the Examiner to MPEP §§ 706.02(m) and 715.01(b). Specifically, "[f]or applications filed on or after November 29, 1999, this [a rejection under 103(a)] might also be overcome by showing that the subject matter of the reference and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person." MPEP § 706.02(k). The present application was filed on December 29, 1999. Therefore, Applicant requests that the rejection be removed because Babula et al. is not prior art under § 103 since the reference is owned by General Electric Co., as is the current application. The assignment has been recorded at Reel/Frame #011499/0198. Further, the inventors of the present invention were under a duty to assign their rights to the common assignee at the time the invention was made. See MPEP § 706.02(b). Accordingly, the rejection of claims 1-24 under § 103(a) must be withdrawn.

Therefore, in light of the foregoing, Applicant respectfully believes that the present application is in condition for allowance. As a result, Applicant respectfully requests timely issuance of a Notice of Allowance for claims 1-24.

Applicant appreciates the Examiner's consideration of these Remarks and cordially invites the Examiner to call the undersigned, should the Examiner consider any matters unresolved.

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Respectfully submitted,



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